

**UNITED STATES DISTRICT COURT  
NORTHER DISTRICT OF OHIO  
EASTERN DIVISION**

Terves LLC,	)	
	)	Case No. <u>1:19-cv-1611</u>
Plaintiff,	)	
	)	JUDGE DONALD C. NUGENT
vs.	)	
	)	
Yueyang Aerospace New Materials Co.,	)	<b><u>DEFENDANTS ECOMETAL, INC.</u></b>
Ltd.,	)	<b><u>AND NICK YUAN'S MEMORANDUM</u></b>
	)	<b><u>IN SUPPORT OF UNOPPOSED</u></b>
and	)	<b><u>MOTION FOR EXTENSION OF TIME</u></b>
	)	<b><u>WITHIN WHICH TO ANSWER OR</u></b>
Ecometal Inc.,	)	<b><u>OTHERWISE RESPOND</u></b>
	)	
and	)	
	)	
Nick Yuan,	)	
	)	
Defendants.	)	

Defendants Ecometal Inc. and Nick Yuan, through their undersigned counsel, submit this memorandum in support of their Unopposed Motion for Extension of Time Within Which to Answer or Otherwise Respond.

Defendants Ecometal Inc. and Nick Yuan, both residing in Richmond Hill, Ontario, Canada, were purportedly served with copies of the Summons and Complaint in this patent infringement case on August 13, 2019, which would make their time to answer or otherwise respond September 3, 2019. However, as Plaintiff Terves LLC has not yet confirmed that Defendants were so served, Plaintiff has not filed an affidavit of service as to Defendants Ecometal and Yuan, and it is uncertain at this time whether those Defendants were properly served through

the Hague Convention. In addition to the potential international service issues that remain unresolved, this is a patent infringement case which involves complex technical and legal issues, which require careful review and consideration. The Complaint alleges Defendants infringed and continue to infringe U.S. Patent No. 9,903,010 (“the ’010 Patent”), which includes 42 total patent claims, and U.S. Patent No. 10,329,653 (“the ’653 Patent”), which includes 78 total patent claims. Accordingly, Defendants move, unopposed by Plaintiff, pursuant to Fed. R. Civ. P. 6(b), for (1) an extension of time of up to seven (7) days, to and including September 11, 2019, to move to dismiss the Complaint pursuant to Fed. R. Civ. P. 12(b)(4)-(5) for insufficient process and/or insufficient service of process; and (2) an extension of time of up to thirty (30) days, to and including October 4, 2019, within which to answer or otherwise respond, excluding raising the aforementioned defenses under Fed. R. Civ. P. 12(b)(4)-(5), to the Complaint.

Fed. R. Civ. P. 6(b) allows the Court to, for good cause shown, extend the time for Defendants to answer or otherwise respond to the Complaint. Defendants submit that good cause has been shown for the requested extension in order for Defendants to further investigate whether service was properly effected through the Hague Convention, and if so, to evaluate the complex technical and legal issues associated with this patent infringement case. Accordingly, Defendants request that the Court grant their Unopposed Motion for Extension of Time Within Which to Answer or Otherwise Respond, and (1) extend Defendants’ time to move to dismiss the Complaint pursuant to Fed. R. Civ. P. 12(b)(4)-(5) for insufficient process and/or insufficient service of process by up to seven (7) days, to and including September 11, 2019; and (2) extend Defendants’ time to answer or otherwise respond to the Complaint, excluding raising the aforementioned defenses under Fed. R. Civ. P. 12(b)(4)-(5), by up to thirty (30) days, to and including October 4, 2019.

Dated: September 3, 2019.

Respectfully submitted,

/s/ Steven J. Forbes

Steven J. Forbes (0042410)

**NORCHI FORBES LLC**

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-and-

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**ATTORNEYS FOR DEFENDANTS  
ECOMETAL INC. AND NICK YUAN**

**CERTIFICATE OF SERVICE**

I certify that on September 3, 2019, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF system for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Matthew J. Cavanaugh  
David B. Cupar

/s/ Steven J. Forbes

One of the Attorneys for Defendants  
Ecometal Inc. and Nick Yuan